

**FILED & ENTERED**

**MAY 24 2013**

CLERK U.S. BANKRUPTCY COURT  
Central District of California  
BY gonzalez DEPUTY CLERK

Attorney or Party Name, Address, Telephone & FAX Nos., State Bar No. &  
Email Address

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FOR COURT USE ONLY

- ☒ Attorney for Movant(s)  
☐ Movant(s) appearing without an attorney

**UNITED STATES BANKRUPTCY COURT  
CENTRAL DISTRICT OF CALIFORNIA - LOS ANGELES DIVISION**

In re:

Jorge Eduardo Andrade

CASE NO.: 2:12-bk-24969-ER

CHAPTER: 7

**ORDER GRANTING MOTION FOR RELIEF  
FROM THE AUTOMATIC STAY UNDER  
11 U.S.C. § 362 (REAL PROPERTY)**

DATE: May 20, 2013

TIME: 10:00 am

COURTROOM: 1568

PLACE: 255 E. Temple Street, Los Angeles, CA 90012

Debtor(s).

Movant: THE BANK OF NEW YORK MELLON FKA THE BANK OF NEW YORK, AS TRUSTEE  
FOR THE CERTIFICATEHOLDERS OF THE CWMBS INC., CHL MORTGAGE PASS-THROUGH  
TRUST 2005-HYB10, MORTGAGE PASS THROUGH CERTIFICATES, SERIES 2005-HYB10

1. The Motion was: ☐ Opposed ☒ Unopposed ☐ Settled by stipulation

2. The Motion affects the following real property (Property):

Street address: 10580 HORSE CREEK AVE

Unit number: \_\_\_\_\_

City, state, zip code: SHADOW HILLS, CA 91040

Legal description or document recording number (including county of recording):

☒ See attached page.

3. The Motion is granted under: ☐ 11 U.S.C. § 362(d)(1) ☒ 11 U.S.C. § 362(d)(2) ☐ 11 U.S.C. § 362(d)(3)  
☐ 11 U.S.C. § 362(d)(4)
4. As to Movant, its successors, transferees and assigns, the stay of 11 U.S.C. § 362(a) is:
- a. ☒ Terminated as to Debtor and Debtor's bankruptcy estate.  
b. ☐ Annulled retroactively to the date of the bankruptcy petition filing.  
c. ☐ Modified or conditioned as set forth in Exhibit \_\_\_\_ to this Order.
5. ☒ Movant may enforce its remedies to foreclose upon and obtain possession of the Property in accordance with applicable nonbankruptcy law, but may not pursue any deficiency claim against the Debtor or property of the estate except by filing a Proof of Claim pursuant to 11 U.S.C. § 501.
6. Movant must not conduct a foreclosure sale before the following date (*specify*):
7. ☐ The stay shall remain in effect subject to the terms and conditions set forth in the Adequate Protection Attachment to this Order.
8. ☐ In chapter 13 cases, the trustee must not make any further payments on account of Movant's secured claim after entry of this Order. The secured portion of Movant's claim is deemed withdrawn upon entry of this Order without prejudice to Movant's right to file an amended unsecured claim for any deficiency. Absent a stipulation or order to the contrary, Movant must return to the trustee any payments received from the trustee on account of Movant's secured claim after entry of this Order.
9. ☐ The filing of the petition was part of a scheme to delay, hinder, and defraud creditors that involved either:
- ☐ transfer of all or part ownership of, or other interest in, the Property without the consent of the secured creditor or court approval.
- ☐ multiple bankruptcy filings affecting the Property.

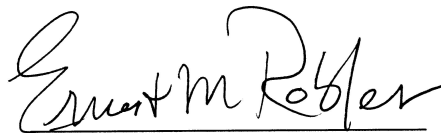
If recorded in compliance with applicable state law governing notices of interests or liens in the Property, this Order is binding and effective under 11 U.S.C. § 362(d)(4)(A) and (B) in any other bankruptcy case purporting to affect the Property filed not later than 2 years after the date of entry of this Order, except that a debtor in a subsequent bankruptcy case may move for relief from this Order based upon changed circumstances or for good cause shown, after notice and a hearing. Any federal, state or local governmental unit that accepts notices of interests or liens in real property shall accept any certified copy of this Order for indexing and recording.

10. This court further orders as follows:

- a. ☒ The 14-day stay as provided in FRBP 4001(a)(3) is waived.
- b. ☐ The provisions set forth in the Extraordinary Relief Attachment shall also apply (*attach Optional Form F 4001-10-ER*).
- c. ☐ See attached continuation page for additional provisions.

###

Date: May 24, 2013



Ernest M. Robles  
United States Bankruptcy Judge

## Legal Description

COUNTY of LOS ANGELES ;  
[Type of Recording Jurisdiction] [Name of Recording Jurisdiction]  
PARCEL 1: LOT 59, OF TRACT NO. 34567, IN THE CITY OF LOS ANGELES, COUNTY  
OF LOS ANGELES, STATE OF CALIFORNIA, AS PER MAP RECORDED IN BOOK 1273,  
PAGE(S) 33 THROUGH 48 INCLUSIVE OF MAPS, IN THE OFFICE OF THE COUNTY  
RECORDER OF SAID COUNTY. PARCEL 2: NONEXCLUSIVE EASEMENTS FOR ACCESS,  
INGRESS, EGRESS, USE ENJOYMENT, DRAINAGE, ENCROACHMENT, SUPPORT,  
MAINTENANCE, AND FOR OTHER PURPOSES, ALL AS DESCRIBED IN THE DECLARATION.  
ASSESSOR'S PARCEL NO: 2528-035-017

Parcel ID Number: 2528-035-017 which currently has the address of  
10580 HORSE CREEK AVE, SHADOW HILLS ,  
[Street/City]  
California 91040-1235 ("Property Address"):  
[Zip Code]

## NOTICE OF ENTERED ORDER AND SERVICE LIST

Notice is given by the court that a judgment or order entitled: **ORDER GRANTING MOTION FOR RELIEF FROM THE AUTOMATIC STAY UNDER 11 U.S.C. § 362 (REAL PROPERTY)** was entered on the date indicated as **Entered** on the first page of this judgment or order and will be served in the manner stated below:

**1. SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING (NEF)** Pursuant to controlling General Orders and LBRs, the foregoing document was served on the following persons by the court via NEF and hyperlink to the judgment or order. As of (date) 5/24/2013, the following persons are currently on the Electronic Mail Notice List for this bankruptcy case or adversary proceeding to receive NEF transmission at the email addresses stated below.

Chapter 7 Trustee: David A. Gill, mlr@dgdk.com  
United States Trustee: ustpregion16.la.ecf@usdoj.gov  
Movant's Counsel: Kristin Webb, bknotice@rcolegal.com  
Debtor's Counsel: Jennifer L Jones, Jdgrad03@Yahoo.com  
Interested Parties: Mark D Estle, mark.estle@buckleymadole.com  
David A Gill (TR), mlr@dgdk.com  
Ann G Lee, alee@grahamvaagelaw.com  
Elhum Navid, enavid@bass-law.com  
Ramesh Singh, claims@recoverycorp.com  
Brian H Tran, btran@mileslegal.com  
Kristin S Webb, bknotice@rcolegal.com  
Gilbert B Weisman, notices@becket-lee.com

☐ Service information continued on attached page

**2. SERVED BY THE COURT VIA UNITED STATES MAIL:** A copy of this notice and a true copy of this judgment or order was sent by United States mail, first class, postage prepaid, to the following persons and/or entities at the addresses stated below:

Debtor: Jorge Eduardo Andrade, 3904 W. 171 St., Torrance, CA 90504

☐ Service information continued on attached page

**3. TO BE SERVED BY THE LODGING PARTY:** Within 72 hours after receipt of a copy of this judgment or order which bears an **Entered** stamp, the party lodging the judgment or order will serve a complete copy bearing an **Entered** stamp by United States mail, overnight mail, facsimile transmission or email and file a proof of service of the entered order on the following persons and/or entities at the addresses, facsimile transmission numbers, and/or email addresses stated below:

☐ Service information continued on attached page